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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,743	02/12/2002	Scott Brenner	007412.00091	1522
71867 7590 03/30/2011 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
2424				
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03/30/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/074,743

Applicant(s)

BRENNER ET AL.

Examiner

ANNAN Q. SHANG

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 73-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 73-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-912)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/06/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 73-92 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of the last office action mailed 10/19/10, Applicant amends claims, discusses the office action, the prior arts of record and further argues that the prior arts of record do not teach the claims limitation (see pages 6+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments/amendments, however Yeo discloses a client/server system, where the client tunes to a program being transmitted by a provider, where the request is received after a start time of program transmission (figs.1-5, col.2, lines 19-31, col.3, lines 18-32 and col.6, lines 32-58) and further generates and communicates a request to the provider to retrieve a copy of a portion of the program in response to the predetermined threshold amount of time being exceeded (col.3, lines 18-32 and col.6, lines 32-58); and receives the copy of the portion of the program, where the portion comprises the program transmitted between the start time and a receipt time of the request to tune to the program (col.3, lines 18-32 and col.6, lines 32-58). **Yeo discloses that the client receives a dedicated live multimedia stream from the server and if the client decides to review information which has already been presented, the server, upon the client's request, generates temporal snapshots on the fly for the live video as the video is being transmitted and transmits the snapshots to the client.**

Yeo provides **various time options from the start of the program and permits the user to interact to receive temporal snapshots from the select time and maintains a server/client session and accounts as to some predetermined time to response to a user interaction** (figs.6A, 6B and col.4, line 43-col.6, line 58), but does not clearly discuss determining that a user terminal has remained tuned to the program for a predetermined threshold amount of time. However, in the same field of endeavor, **Lawler** discloses an interactive program summary panel, which monitors a user interaction as to the various channels and after a predetermined period retrieves summary (text, video, etc.) of the video program to the user (figs.1-6, col.2, line 42-col.3, line 7, col.6, line 28-col.8, line 1+ and col.9, line 32-col.10, line 1+). Hence, Applicant's amendments do not overcome the prior arts of record. The amendments to the claims necessitated the new ground(s) of rejection discussed below. **This office action is made Final.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 73-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yeo (6,711,741)** in view of **Lawler et al (6,868,551)**.

As to claim 73, **Yeo** discloses random access video playback system on a network and further discloses a method comprising

And an apparatus comprising: a storage medium (figs.7+); and a controller operatively coupled to the storage medium, the controller being configured to cause the apparatus to perform operations:

Receiving, at a terminal, a request to tune to a program being transmitted by a provider, where the request is received after a start time of program transmission (figs.1-5, col.2, lines 19-31, col.3, lines 18-32 and col.6, lines 32-58);

Generating and communicating a request to the provider to retrieve a copy of a portion of the program in response to the request to tune to the program and the determining (col.3, lines 18-32 and col.6, lines 32-58); and

Receiving the copy of the portion of the program, where the portion comprises the program transmitted between the start time and a receipt time of the request to tune to the program (col.3, lines 18-32 and col.6, lines 32-58), **note that the client receives a dedicated live multimedia stream from the server and if the client decides to review information which has already been presented, the server, upon the client's request, generates temporal snapshots on the fly for the live video as the video is being transmitted and transmits the snapshots to the client.**

Yeo provides **various time options from the start of the program and permits the user to interact to receive temporal snapshots from the select time and maintains a server/client session and accounts as to some predetermined time to response to a user interaction** (figs.6A, 6B and col.4, line 43-col.6, line 58), but does

not clearly teach determining that a user terminal has remained tuned to the program for a predetermined threshold amount of time.

However, in the same field of endeavor, **Lawler** discloses an interactive program summary panel, which monitors a user interaction as to the various channels and after a predetermined period retrieves summary (text, video, etc.) of the video program to the user (figs.1-6, col.2, line 42-col.3, line 7, col.6, line 28-col.8, line 1+ and col.9, line 32-col.10, line 1+).

Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lawler into the system of Yeo to monitor the user interaction to the channel(s) and provide summary of past video to aid the viewer in quickly ascertaining the current plot or theme of the video program.

As to claim 74, Yeo does not clearly discuss where the user terminal generates a prompt requesting approval prior to generating the request.

However, Lawler further discloses verifying as to if the viewer is a subscriber to the selected programming and further discloses displaying various prompts to the viewer (col.6, line 28-col.8, line 1+).

Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lawler into the system of Yeo to further generates prompts to query the user for additional information before providing the summary to the user.

As to claim 75, Yeo further discloses where the request is automatically generated and communicated to th provider (col.5, line 9-col.6, line 58).

As to claim 76, Yeo further discloses where the copy does not include the portion of the program transmitted after the receipt time (col.5, line 9-col.6, line 58).

As to claim 77, the combine references further discloses receiving a channel selection during transmission of the program; receiving a request for a synopsis of the program during transmission of the program; upon receipt of the request for the synopsis, identifying a portion of the program that has been transmitted as of an identified clock time; and causing presentation of the synopsis of the program that summarizes the portion of the program that has been transmitted from a beginning of program transmission until the identified clock time (see Yeo col.5, line 9-col.6, line 58 and Lawler col.6, line 28-col.8, line 1+).

As to claim 78, Yeo further discloses where the synopsis is presented in a fast forward mode (col.5, line 9-col.6, line 58).

As to claim 79, Yeo further discloses determining that the user has maintained the channel selection for a predefined period of time before causing presentation of the synopsis (col.5, line 9-col.6, line 58).

As to claim 80, the claimed "An apparatus comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 73.

Claim 81 is met as previously discussed with respect to claim 74.

Claim 82 is met as previously discussed with respect to claim 75.

Claim 83 is met as previously discussed with respect to claim 76.

Claim 84 is met as previously discussed with respect to claim 77.

Claim 85 is met as previously discussed with respect to claim 78.

Claim 86 is met as previously discussed with respect to claim 79.

As to claim 87, the claimed "A method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 73.

As to claim 88, Yeo further discloses where the copy of the portion of the program comprises a complete copy of the program (col.5, line 9-col.6, line 58).

As to claim 89, Yeo further discloses where the copy of the portion of the program comprises less than a complete copy of the program (col.5, line 9-col.6, line 58).

As to claim 90, the claimed "A system comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 73.

Claim 91 is met as previously discussed with respect to claim 88.

Claim 92 is met as previously discussed with respect to claim 89.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANNAN Q. SHANG** whose telephone number is **(571)272-7355**. The examiner can normally be reached on **7:00am-4:00pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/
Primary Examiner, Art Unit 2424

Annan Q. Shang